



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 20

COMMON ADDRESS OF LOTS TO BE REZONED:

227 South 9th Street, Terre Haute, IN 47807

Current Zoning: C-8, Downtown Business District

Requested Zoning: C-8, Downtown Business District Planned Development

Proposed Use: Residential Two-Family Dwelling

Name of Owner: Birthright of Terre Haute, Inc. - Cecelia C. Lundstrom, President

Address of Owner: 227 South 9th Street, Terre Haute, IN 47807

Phone Number of Owner: 812-232-8973

Attorney Representing Owner (if any): N/A

Address of Attorney: N/A

Phone Number of Attorney: N/A

For Information Contact: Scott J Patch (765-592-1503)

Council Sponsor: John Mullican

***COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

FILED

SPECIAL ORDINANCE FOR A PLANNED DEVELOPMENT

MAY 07 2012

SPECIAL ORDINANCE NO. 20, 2012

CITY CLERK

An Ordinance Amending Title III designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana" of General Ordinance Number 1, 1967, as amended, entitled: "An Ordinance adopting a Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, in accordance with Chapter 174 of the Acts of the Indiana General Assembly, 1947, as amended, designating the same as a part of the master plan for the City of Terre Haute, Indiana, providing penalties for violations thereof and declaring an emergency"

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

Section 1. That Title III, Comprehensive Zoning Ordinance of General Ordinance Number 1, 1967 effective November 3, 1967, entitled:

"An ordinance adopting a Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, in accordance with Chapter 174 of the acts of the Indiana General Assembly, 1947, as amended designating the same as a part of the master plan for the city of Terre Haute, Indiana, providing penalties for violations thereof and declaring an emergency"

and Chapter 1161 thereof, Zoning District Maps, be and the same is hereby amended to read as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

The South half of Lot Number Twenty-five (25) in Chauncey Roses Addition to the Town now City of Terre Haute, Indiana, same being a subdivision of a part of the South West quarter of Section, 22 Town, 12 North of Range 9 West of the 2d Principal Meridian.

Commonly known as 227 South 9th Street, Terre Haute, Vigo County, Indiana 47807

Be and the same is, hereby established as a C-8, Downtown Business District Planned Development, together with all rights and privileges that may inure to said real estate and the owners thereof by limitations and restrictions imposed thereon by deed or otherwise except as specifically authorized under the terms of this ordinance."

That the real estate described shall be a Planned Development in a C-8, Downtown Business District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre haute, Indiana, subject to the terms and conditions set forth herein.

- (a) That the real estate shall be used for the conversion of the existing residential structure into a two-family dwelling.

- (b) The real estate shall be subject to the following:
 - (i) the rights granted herein shall run with the land and be transferrable to future owners of the property;
 - (ii) said Planned Development shall be recorded in the office of the Vigo County Recorder within ninety (90) days hereof. The Petitioner shall be responsible for the payment of recording fees.
- (c) That the owners have met all of the criteria determined by the Area Planning Commission except as stated above and by the City Council of Terre Haute, Indiana, that a hardship does exist and that a Planned Development as set forth herein is hereby approved and will be in the public's interest and in the interest of the neighborhood.

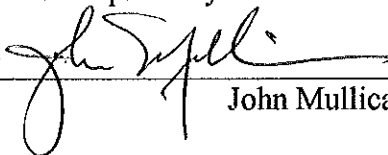
Section 2. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 8, 1982 (Planned Development) being Chapter 1124.03, and

WHEREAS, a public hearing has been pursuant to Chapter 1141.09 of said Ordinance and the owners of the real estate described have demonstrated to the Common Council evidence that a hardship exists pursuant to Chapter 1124 of said Ordinance and that said Planned Development will not adversely affect public health, safety, and the general welfare.

BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of said real estate and that the Common Council of the City of Terre Haute now determines that a hardship does exist and specifically authorized and approved the use of real estate described as a C-8, Downtown Business District Planned Development as described in this Ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed uses described will be in the public interest and that substantial justice will be done.

SECTION 3. WHEREAS, an emergency exists for the immediate taking effect from and after its passage by the Common Council of Terre Haute, and approval of the Mayor and publication as required by law.

Presented by



John Mullican

Passed in Open Council this _____ day of _____, 2012.

President

Don Morris

ATTEST: _____

Charles P. Hanley, City Clerk

Presented by me to the Mayor this _____ day of _____ 2012.

Charles P. Hanley, City Clerk

Approved by me, the Mayor, this _____ day of _____ 2012.

Mayor Duke A. Bennett

ATTEST: _____
Charles P. Hanley, City Clerk

This instrument prepared by: Scott Patch
11036 E Lakeside Circle,
Rockville, IN 47872

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.



Scott J. Patch

84-06-22-360-001.000-002

84-06-22-360-011.000-002

84-06-22-360-002.000-002

84-06-22-360-012.000-002

84-06-22-360-003.000-002

84-06-22-360-013.000-002

84-06-22-360-004.000-002

84-06-22-360-014.000-002

84-06-22-360-005.000-002

84-06-22-360-015.000-002

84-06-22-360-006.000-002

84-06-22-360-016.000-002

84-06-22-360-007.000-002

84-06-22-360-017.000-002

84-06-22-360-008.000-002

84-06-22-360-018.000-002

84-06-22-360-009.000-002

84-06-22-360-019.000-002

84-06-22-360-010.000-002

84-06-22-360-020.000-002

84-06-22-360-021.000-002

84-06-22-360-023.000-002

ALLEY

9TH

88-255-8655

200 SALE BY THE POWER OF CO. DEEDS BOOK 100

907

WARRANTY DEED

07000392-0

This Indenture Witnesseth, That Cecilia E. Schultz

of Vigo County, in the State of Indiana, CONVEY and WARRANT to

Birthright of Terre Haute, Inc.

of Vigo County, in the State of Indiana, for the sum of " " DOLLARS (\$1.00)
One and No/100
and other valuable consideration, the receipt whereof is hereby acknowledged, the following described REAL
ESTATE in Vigo County, in the State of Indiana, to-wit:—

✓ The South half of Lot Number Twenty-five (25) in Chauncey Roses Addition
to the Town now City of Terre Haute, Indiana, same being a subdivision of
a part of the South West quarter of Section, 22 Town, 12 North of Range 9
West of the 2d Principal Meridian.

Subject to the taxes for 1983 prorated from the date hereof.

DULY ENTERED FOR TAXATION

October 19 1983

Wm Paul Hinton

Auditor - Vigo County, Indiana

IN WITNESS WHEREOF, The said: Cecilia E. Schultz

has hereunto set her hand and seal, this 18th day of October

Cecilia E. Schultz

Above Name Typewritten or Printed

(Seal)

(Seal)

Above Name Typewritten or Printed

Above Name Typewritten or Printed

(Seal)

Above Name Typewritten or Printed

STATE OF INDIANA

VIGO COUNTY, IN:

Before me, the undersigned, a Notary Public in and for said County and State, this 18th day of October 1983, personally appeared Cecilia E. Schultz

and acknowledged this conveyance to be her voluntary act and deed.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal.

My County of Residence:

Vermillion

Annabelle Hines

Notary Public

My commission expires September 1, 1986

Mail to: 227 South 9th Street, Terre Haute, Indiana 47804

This instrument prepared by W. N. Cox and B. Guille Cox, Jr., Attorneys

RECEIVED FOR RECORD THE 19 DAY OF Oct 1983 AT 10:00 CLOCK a.m.
RECORD 394 PAGE 907 WILLIAM BRAMBLE, RECORDER

AFFIDAVIT OF:

COMES NOW affiant

BIRTHRIGHT OF TERRE HAUTE, INC

and affirms under penalty of law that affiant is the owner

of record of the property located at 227 South 9th St,
Terre Haute, IN 47807

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

Cecelia C. Lundstrom
[Typed name of owner(s) on deed]BIRTHRIGHT OF TERRE HAUTE, INC
BY CECELIA C LUNDSTROM, PRES.

STATE OF INDIANA)

) SS:

COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, CECELIA C LUNDSTROM, PRESIDENT

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 1ST day of MAY, 20 12.

Notary Public:

Marilyn Petrowski
[Typed name]My Commission Expires: Nov 29, 2016My County Of Residence: Vigo

PETITION FOR A PLANNED DEVELOPMENT

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION OF VIGO COUNTY, INDIANA

LADIES AND GENTLEMEN:

The undersigned, Cecelia C. Lundstrom, Petitioner herein, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

The South half of Lot Number Twenty-five (25) in Chauncey Roses Addition to the Town now City of Terre Haute, Indiana, same being a subdivision of a part of the South West quarter of Section, 22 Town, 12 North of Range 9 West of the 2d Principal Meridian.

Commonly known as 227 South 9th Street, Terre Haute, Vigo County, Indiana 47807.

Your Petitioner is informed and believes that in accordance with Chapter 1161, Zoning District Maps of Title III "Comprehensive Zoning Ordinance" of General Ordinance Number 1, 1967, as amended, the above described real estate is now zoned as C-8.

That your Petitioner would propose to use the real estate for the conversion of the existing residential structure into a two-family dwelling consistent with the historical use of the property and consistent with other uses in the immediate vicinity, subject to all restrictions in this Ordinance.

Your Petitioner would request that the real estate described herein be zoned as a Planned Development in a C-8, Downtown Business District for use as a residential, two-family dwelling.

Your Petitioner would allege that the Planned Development will not alter the general characteristics of this neighborhood because the area has mixed uses, including other similar residential uses in the immediate vicinity.

Your Petitioner respectfully shows the proposed change will not adversely affect surrounding property values and will not adversely affect public health, safety or general welfare or nor will it be injurious to the property or improvements in the neighborhood, nor would it impair an adequate supply of air to adjacent property because of the mixed uses in the area and the existence of other residential homes in the immediate vicinity. In addition, residential uses are permitted on the second floor of buildings in a C-8 classification, and therefore the use of the property as residential is not incompatible with the zoning classification and surrounding uses.

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission of Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the City of Terre Haute, Indiana, being Title III of General Ordinance Number 1, 1967, and declaring the above-described real estate to be part of the C-8, Downtown Business District Planned Development for a residential rental of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this Petition has been duly executed this ____ day of May, 2012.

By: Cecelia C. Lundstrom
Cecelia C. Lundstrom, Petitioner
2619 Park Street
Terre Haute, IN 47803

This instrument was prepared by: Scott Patch.
11036 E Lakeside Circle
Rockville, IN 47872



Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: May 7, 2012
Name: Scott Patch
Reason: Rezoning Filing \$25.00
Rezoning Petition \$20.00

TERRE HAUTE, IN
PAID

MAY 07 2012

CONTROLLER

Cash: _____
Check: \$45.00 CK# 6054
Credit: _____
Total: \$45.00

Received By:

M. Dowell SE